

FILED

JUNE 30, 2008

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

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MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

Joyce A. Watson

(Name of the plaintiff or plaintiffs)

v.

Sim Dachs

Lolita Sazon

Glen Oaks Nursing Home  
(Name of the defendant or defendants)

CIVIL ACTION

08CV3598

JUDGE PALLMEYER

MAG. JUDGE DENLOW

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.
2. The plaintiff is Joyce A. Watson of the  
county of LAKE in the state of Indiana.
3. The defendant is Sim Dachs, whose  
street address is 270 Skokie Blvd.  
(city) Northbrook (county) LAKE (state) Illinois (ZIP) 60062  
(Defendant's telephone number) (847)-498-9320
4. The plaintiff sought employment or was employed by the defendant at (street address)  
Glen Oaks Nursing Home (city) Northbrook  
(county) LAKE (state) Ill. (ZIP code) 60062
5. The plaintiff [check one box]  
(a) ☐ was denied employment by the defendant.  
(b) ☐ was hired and is still employed by the defendant.  
(c) ☒ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about, (month) 05, (day) 13, (year) 2001.

**7.1 (Choose paragraph 7.1 or 7.2, do not complete both.)**

(a) The defendant is not a federal governmental agency, and the plaintiff [check one box] ☐ has ~~not~~ ☒ has filed a charge or charges against the defendant asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

(i) ☒ the United States Equal Employment Opportunity Commission, on or about (month) 07/1/04 (day) 08 (year) 04.

(ii) ☒ the Illinois Department of Human Rights, on or about (month) 07 (day) 08 (year) 04.

(b) If charges were filed with an agency indicated above, a copy of the charge is

attached. ☒ YES. ☐ NO, but plaintiff will file a copy of the charge within 14 days.

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

**7.2 The defendant is a federal governmental agency, and**

(a) the plaintiff previously filed a Complaint of Employment Discrimination with the defendant asserting the acts of discrimination indicated in this court complaint.

☐ Yes (month) \_\_\_\_\_ (day) \_\_\_\_\_ (year) \_\_\_\_\_

☐ No, did not file Complaint of Employment Discrimination

2. The plaintiff received a Final Agency Decision on (month) \_\_\_\_\_ (day) \_\_\_\_\_ (year) \_\_\_\_\_.

c. Attached is a copy of the

a. Complaint of Employment Discrimination,

☐ YES ☐ NO, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☐ YES ☐ NO, but a copy will be filed within 14 days.

8. *(Complete paragraph 8 only if defendant is not a federal governmental agency.)*
- (a) ☐ the United States Equal Employment Opportunity Commission has not issued a *Notice of Right to Sue*.
- (b) ☒ the United States Equal Employment Opportunity Commission has issued a *Notice of Right to Sue*, which was received by the plaintiff on (month) 03 (day) 26 (year) 2008 a copy of which *Notice* is attached to this complaint.
9. The defendant discriminated against the plaintiff because of the plaintiff's *[check only those that apply]*:
- (a) ☐ Age (Age Discrimination Employment Act).
- (b) ☐ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (c) ☐ Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☒ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☐ Sex (Title VII of the Civil Rights Act of 1964)
10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).
11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.
12. The defendant *[check only those that apply]*
- (a) ☐ failed to hire the plaintiff.
- (b) ☒ terminated the plaintiff's employment.
- (c) ☐ failed to promote the plaintiff.

- (d) ☐ failed to reasonably accommodate the plaintiff's religion.
- (e) ☐ failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☐ failed to stop harassment;
- (g) ☐ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
- (h) ☐ other (specify): \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

13. The facts supporting the plaintiff's claim of discrimination are as follows:

I WAS terminated for having a verbal disagreement  
with another co-worker, Jim Dachs (Administrator)  
called both parties to the office and terminated  
ms & Lolita Sazon. Four days later, ms.  
Lazon was hired back.

14. **[AGE DISCRIMINATION ONLY]** Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.
15. The plaintiff demands that the case be tried by a jury. ☐ YES ☒ NO
16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff  
*[check only those that apply]*

- (a) ☐ Direct the defendant to hire the plaintiff.
- (b) ☐ Direct the defendant to re-employ the plaintiff.
- (c) ☐ Direct the defendant to promote the plaintiff.
- (d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
- (e) ☐ Direct the defendant to reasonably accommodate the plaintiff's disabilities.

(f) ☐ Direct the defendant to (specify): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.

(h) ☐ Grant such other relief as the Court may find appropriate.

(Plaintiff's signature)

Joyce A. Watson

(Plaintiff's name)

Joyce A. Watson

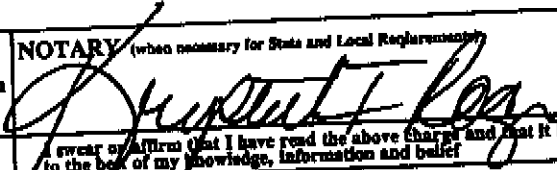
(Plaintiff's street address)

1826 CAROLINA Street

(City) GARY (State) Ind. (ZIP) 46407

(Plaintiff's telephone number) (219) - 381-5090

Date: June 24, 2008

<b>CHARGE OF DISCRIMINATION</b> This form is affected by the Privacy Act of 1974: See Privacy act statement before completing this form.		NCY <input checked="" type="checkbox"/> IDHR <input checked="" type="checkbox"/> EEOC	<b>CHARGE NUMBER</b>  2005CF0034
<b>Illinois Department of Human Rights and EEOC</b>			
NAME (Indicate Mr., Ms., Mrs.) JOYCE A. WATSON		HOME TELEPHONE (include area code) 219-886-9742	
STREET ADDRESS 1934 W 5TH AVE		CITY, STATE AND ZIP CODE GARY, IN 46404	
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (IF MORE THAN ONE, LIST BELOW)		DATE OF BIRTH 00/00/00	
NAME GLEN OAKS NURSING CENTER		NUMBER OF EMPLOYEES, MEMBERS 15+	TELEPHONE (include area code) 847 498 9320
STREET ADDRESS 270 SKOKIE BLVD		CITY, STATE AND ZIP CODE NORTHBROOK, IL 60062	
NAME		COUNTY 031	
STREET ADDRESS		TELEPHONE (include area code)	
NAME		COUNTY	
STREET ADDRESS		CITY, STATE AND ZIP CODE	
CAUSE OF DISCRIMINATION BASED ON: RACE		DATE OF DISCRIMINATION EARLIEST (ADEA/EPA) LATEST (ALL) / / 05/13/2004 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional space is needed attach extra sheet(s))			
I. A. ISSUE/BASIS DISCHARGE - MAY 13, 2004, DUE TO MY RACE, BLACK			
B. PRIMA FACIE ALLEGATIONS			
1. My race is black.			
2. I was performing my duties as nurse's aide in a satisfactory manner. I was hired on June 11, 2000.			
3. On May 13, 2004, I was discharged by Sim Dachs (white), Administrator. The reason cited for the discharge was due to a verbal altercation I had with a non-black co-worker.			
Continued...			
<input checked="" type="checkbox"/> I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY (when necessary for State and Local Requirements) 	
I declare under penalty of perjury that the foregoing is true and correct		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief	
<b>"OFFICIAL SEAL"</b> Krystal I. Rogers Notary Public, State of Illinois My Commission Expires Nov. 15, 2006 Notary Public Seal		SIGNATURE OF COMPLAINANT Joyce A. Watson	
4/8/04		DATE 7-8-04	
SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, year)			

Complainant Name: JOYCE A. WATSON

Charge Number: 2005CF0034

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5. The non-black co-worker, Lolita Sazon, who actually instigated the verbal altercation with me was not discharged for the same conduct.

HMS/JJT/RCG

## DISMISSAL AND NOTICE OF RIGHTS

To: **Joyce A. Watson**  
**1934 West 5<sup>th</sup> Avenue**  
**Gary, Indiana 46404**

From: **Equal Employment Opportunity Commission**  
**Chicago District Office**  
**500 West Madison Street**  
**Suite 2800**  
**Chicago, Illinois 60661-2511**



On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR § 1601.7(a))**

EEOC Charge No.

EEOC Representative

Telephone No.

**21B-2004-02544****Noia Smith, State & Local Coordinator****(312) 886-5973**

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans with Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.



While reasonable efforts were made to locate you, we were not able to do so.



You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this Notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

*John P. Rowe*  
**John P. Rowe, District Director**

*03/26/08*  
 (Date Mailed)

Enclosure(s)

cc: **GLEN OAKS NURSING CENTER**

*[Handwritten signature]*

*Att. EVA*